

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LESLIE PAUL HOWARTH,	:	
v.	:	
SHEETZ #27,	:	Civil Action No. 05-61J
Defendant	:	
LESLIE PAUL HOWARTH,	:	
v.	:	
SHEETZ #21,	:	Civil Action No. 05-62J
Defendant	:	
LESLIE PAUL HOWARTH,	:	
v.	:	
SHEETZ #49,	:	Civil Action No. 05-63J
Defendant	:	
LESLIE PAUL HOWARTH,	:	
v.	:	
SHEETZ #55,	:	Civil Action No. 05-64J
Defendant	:	
LESLIE PAUL HOWARTH,	:	
v.	:	
SHEETZ #162,	:	Civil Action No. 05-65J
Defendant	:	
LESLIE PAUL HOWARTH,	:	
v.	:	
SHEETZ #127,	:	Civil Action No. 05-66J
Defendant	:	
LESLIE PAUL HOWARTH,	:	
v.	:	
SHEETZ #113,	:	Civil Action No. 05-67J
Defendant	:	
LESLIE PAUL HOWARTH,	:	
v.	:	
SHEETZ #22,	:	Civil Action No. 05-68J
Defendant	:	

MEMORANDUM ORDER

These matters was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed an identical Report and Recommendation in each of these virtually identical matters on July 27, 2005, docket no. 12 at C.A. No. 05-61J, docket no. 12 at C.A. No. 05-62J, docket no. 12 at C.A. No. 05-63J, docket no. 12 at C.A. No. 05-64J, docket no. 12 at C.A. No. 05-65J, docket no. 12 at C.A. No. 05-66J, docket no. 12 at C.A. No. 05-67J, docket no. 12 at C.A. No. 05-68J, recommending that the defendant's motions to dismiss alleging plaintiff failed to make proper service and the complaint failed to state a claim be granted.

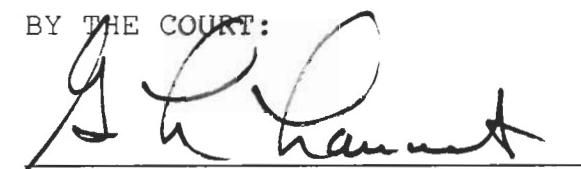
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed a response in each case on August 1, 2005, docket no. 13 at C.A. No. 05-61J, docket no. 13 at C.A. No. 05-62J, docket no. 13 at C.A. No. 05-63J, docket no. 13 at C.A. No. 05-64J, docket no. 13 at C.A. No. 05-65J, docket no. 13 at C.A. No. 05-66J, docket no. 13 at C.A. No. 05-67J, docket no. 13 at C.A. No. 05-68J, which can be considered an objection to the Magistrate Judge's recommendation on the motion to dismiss for failure to make proper service; plaintiff did not address the Magistrate Judge's conclusion that the complaint failed to state a claim.

After de novo review of the record of this matter together with the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 20<sup>+</sup> day of August, 2005, it is

ORDERED that the defendant's motions to dismiss are granted under Fed.R.Civ.P. 12(b)(6) only. The portion of the Report and Recommendation recommending that the complaints be dismissed for failure to state a claim is adopted as the opinion of the Court. The Clerk shall mark these matters closed.

BY THE COURT:



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GARY L. LANCASTER,  
UNITED STATES DISTRICT JUDGE

cc:

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